

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 5 2023

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ANTHONY C. WEIMER,

No. 22-35246

Plaintiff-Appellant,

D.C. No. 9:21-cv-00078-BMM

v.

MEMORANDUM*

MICROSOFT CORPORATION, a
Washington Corporation; GOOGLE, LLC, a
Delaware limited liability company,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Montana
Brian M. Morris, District Judge, Presiding

Submitted June 26, 2023**

Before: CANBY, S.R. THOMAS, and CHRISTEN, Circuit Judges.

Anthony C. Weimer appeals pro se from the district court's judgment dismissing his action alleging various federal claims regarding his exposure to obscene online materials. We have jurisdiction under 28 U.S.C. § 1291. We

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Weimer's requests for oral argument, set forth in the opening and reply briefs, are denied.

review de novo a dismissal on the basis of res judicata. *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005). We affirm.

The district court properly dismissed Weimer’s action as barred by the doctrine of res judicata because Weimer’s claims were raised or could have been raised in his prior federal action between the parties or their privies that resulted in a final judgment on the merits. *See id.* (elements of res judicata under federal law); *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg’l Plan. Agency*, 322 F.3d 1064, 1077-78 (9th Cir. 2003) (explaining that “imaginative” parties may not “avoid preclusion by attaching a different legal label to an issue that has, or could have, been litigated”).

AFFIRMED.